

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**CARMELO A. VALLE,**

**Petitioner,**

**V.**

**BILL MASSEE,**

**Respondent.**

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**NO. 5:22-cv-00412-TES-CHW**

**ORDER OF DISMISSAL**

Petitioner Carmelo A. Valle filed an application for federal habeas corpus relief, to challenge the legality of his confinement in the Baldwin County Jail. Pet. for Writ of Habeas Corpus, ECF No. 1. He also moved for leave to proceed without prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 2. The United States Magistrate Judge denied Petitioner's motion to proceed *in forma pauperis* and ordered Petitioner to pay the \$5.00 filing fee for this case. Order, ECF No. 4. The Magistrate Judge gave Petitioner fourteen days to pay the filing fee and cautioned Petitioner that his failure to do so could result in the Court dismissing this action. *Id.*

More than fourteen days passed after the Magistrate Judge entered that order, during which Petitioner did not pay the filing fee or otherwise respond to the Magistrate Judge's order. Therefore, the Magistrate Judge ordered Petitioner to show cause why the Court should not dismiss this case based on his failure to comply with the earlier order. Order

to Show Cause, ECF No. 5. The Magistrate Judge gave Petitioner another fourteen days to respond and cautioned him that his failure to do so would likely result in the Court dismissing this action. *Id.*

More than fourteen days have now passed since the Magistrate Judge entered the show cause order. In that time, Petitioner has not paid the filing fee or responded to the show cause order. Thus, because Petitioner has failed to comply with the previous orders or to otherwise prosecute his case, the Court now **DISMISSES** the petition **WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (“The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.”) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

**SO ORDERED**, this 8th day of March, 2023.

S/ Tilman E. Self, III  
**TILMAN E. SELF, III, JUDGE**  
**UNITED STATES DISTRICT COURT**